

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Rhodes	
SERIAL NO.:	10/734,864	Group Art Unit: 2168
FILING DATE:	December 12, 2003	
FOR:	<b>Computer Backups Using Unused Disk Space</b>	Examiner: Pham, Hung Q.

**Interview Summary**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Interview Summary dated January 21, 2009, Applicant hereby submits a summary of the interview.

A telephone interview took place for the subject application on January 12, 2009, with Examiner Hung Q. Pham and Applicant's Attorney. Applicant's Attorney hereby submits a summary of the interview. There was no exhibit or demonstration of the invention provided during the course of this interview.

The interview focused on a proposed amendment to the claims submitted prior to the Interview. More specifically, the Applicant's Attorney provided an oral explanation of the invention to the Examiner, and then identified the points of novelty as reflected in the pending claims and the proposed amendment to the claims. The prior art references of *Knight*, *Second*

*Copy*, and *Whiting et al.* were discussed, and specifically how the proposed amended limitations teach away from the prior art references applied by the Examiner. It was suggested by the Examiner that in the Response to the outstanding Office Action Applicant address how the backup operation is performed on the client machine in the system with available disk space.

Applicant believes that a full and complete reply has been made to the Examiner's Interview Summary. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, entry of the Applicant's Response to the Examiner Interview Summary into the record is respectfully requested.

Respectfully submitted,  
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Date: February 23, 2009